കൊച്ചീരാജ്യത്തിന്റെ വലിയ ഒരു ഭാഗമാണ്. ടി എസ്റ്റേറിനെ ഒഴിവാക്കുക എന്നു പറയുന്നതിന്റെ അർത്ഥം കൊച്ചീരാജ്യത്തിലെ വലിയ ഒരു ഭാഗം ജനങ്ങളെ ഈ നിയമത്തിൽനിന്നു ഒഴിവാക്കുക എന്നാണ്. ഈ ന്യായങ്ങളാൽ അവരെ നടപ്പിലിരിക്കുന്ന നിയമത്തിൽനിന്നു ഒഴിവാക്കുവാൻ പാടില്ല. അതുകൊണ്ടു ഞാൻ ഈ ബില്ലിനെ പരിപൂർണ്ണമായി അനുകൂലിക്കുന്നു.

Mr. A. V. Moothedan *(Chalakkudi):* I have nothing more to add and I press the motion.

Motion put and carried. (16 for and 14 against)

Secretary to the Council: The title of the Bill is the Cochin Agriculturists' Relief Act (Amendment) Bill No. 2.

The Cochin Agriculturists' Relief Act (Amendment) Bill No. 3

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I beg to move that the Agriculturists' Relief Act (Amendment) Bill No. 3 be read in Council.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* I second it.

Mr. A. V. Moothedan *(Chalakkudi):* It is a very simple Bill. According to the Agriculturists' Relief Act fishing stake holders, if they do not own agricultural land, will not become agriculturists. Now, according to the Registration Act, a fishing stake is considered an immovable property. But, under the Agriculturists' Relief Act, it is doubtful whether it is agricultural land. That has not been made clear. An explanation is to be added making this point clear by this Bill. The majority of the stake owners are Arayas, a very poor sub-community, which requires relief.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will not Arayas include Valas also?

Mr. A. V. Moothedan *(Chalakkudi):* Yes.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Sir, The Agriculturists' Relief Act was passed for the purposes of giving relief to persons who were being seriously affected by the fall in prices of agricultural products. That is therefore the first criterion to be established for making out a case for justifying such a measure. It has not been stated either in the objects and reasons of the Bill or in the speech with which it was moved that such a state of affairs has existed or is existing. It is well known that from 1107 to 1114 the prices of agricultural commodities went down considerably, even to the extent of one-third of their original prices. Therefore, it was said that the capacity of the agriculturist to pay his debts—both the principal and the interest—was seriously affected. Here, in the case of the fisheries, it has never been stated that the commodity called fish has gone down in price. As a matter of fact, enquiries show

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that not only has the commodity not gone down in price, but for some time it remained stationary and latterly the price increased. For that reason the fundamental basis on which this Bill ought to be passed is wanting.

Then the only ground on which this Bill is supported is that it affects the Arayas as a class because they are holders of small fishing stakes and are poor. If the ground is the mere fact of the poverty of any section of the people and no reason other than the fact of their being poor is resorted to as justification for the measure, then I submit that it will be doing violence to the scheme of the Act itself. The very word "agricultural" includes only what emanates from land. Agriculture means culture of the land.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Pisciculture?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Pisciculture is not the word used here. We are not to go beyond the Act to explain what it is. That is the first principle in considering the provisions of any Act. Pisciculture may be one sort of culture. Fish is generated in water. No doubt water stands on land. That is no reason why you should take it as an agricultural produce. Nobody in this world has till now classified pisciculture under agriculture.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Are there not fishes that live on land?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* I have not heard of such. I do not know much about fish. But that is a different matter. I know sufficient for the purpose of the law relating to it. My submission therefore is that both on the ground of the fundamental reason and on the ground of the real meaning to be attached to the word "agriculture", we shall be doing violence to the Act if we allow the amendment. An amendment to the Act should not depart from the basic scheme of the Act. Nothing which goes beyond the four corners of the principles of Act can be called amendment. For these two main reasons, I oppose this Bill.

Then there is another thing which is very important matter. It is not Arayas alone that are stake holders. As a matter of fact, the ownership of stakes has passed through the hands of Arayas to the hands of other communities in a very large number of cases. Therefore if the intention is to benefit the Arayas, the provision here will not be fitted for the purpose. The better course will be to include instead of the term "fishing stake holders", the term "Arayas". That would be better; but probably that is not the intention of the mover. I submit therefore that owing to these reasons we are not in a position to support this measure. Government therefore oppose this measure.

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Mr. A. V. Moothedan *(Chalakkudi):* In view of the Diwan Peishkar's explanation, I don't press.

The Cochin Christian Succession Act (Amendment) Bill

Mr. A. V. Moothedan *(Chalakkudi):* I move that the Cochin Christian Succession Act (Amendment) Bill be read in Council.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* I second it.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, according to the Act which is in force now in Cochin State, a daughter is entitled to ⅓ share of a son, in case a father dies intestate. That enactment was passed after enquiry was made by the Government in 1095. I shall briefly refer to the history of the present legislation. In 1095, Government appointed a Committee known as the Christian Succession Bill Enquiry Committee. The members of the Committee were Justice Mr. P. I. Varughese, Messrs. M. A. Chakko, Joseph Thaliath, Barrister, V. D. Ouseph, Rev. Fr. Nelavarath, Mr. N. O. Inasu and Mr. P. C. Varkey. The Chairman of the Committee was Justice Mr. P. I. Varughese. The Committee made a report after examination of the whole question, and a draft Bill was also prepared. That Bill was accepted by the Government and we have got the Christian Succession Act today. Now, added to that report there is a dissenting minute by a minority of the members of the Committee, *i.e.*, Messrs. P. I. Varughese, V. D. Ouseph and Fr. Nelavarath to the effect that daughters should be given equal share with the son.

(At this stage some of the members were found conversing each other causing disturbance to the House).

Panel Chairman: Those who are not interested will at least see that those who are interested are not disturbed.

Mr. A. V. Moothedan *(Chalakkudi):* Now, Sir, the dissenting minute was by three members and it was to the effect that equal shares should be given to sons and daughters, if a father dies intestate. Because it was a minority suggestion the Government did not accept it. Now my Bill is to give effect to the suggestion contained in the dissenting note written by those gentlemen some 20 years back. In fact when I sent this Bill for introduction here, I did not see the Christian Succession Bill drafted by the Committee. Afterwards, when I made enquiries I got into touch with all this literature in my favour. Now I shall briefly refer to the controversy regarding equal share etc. Till the year 1097 the law applicable to Cochin State was the Indian Succession Act of British India. According to that Act a daughter and a son are entitled to equal share and there are decisions in our High Court also giving equal shares. When this Act came into force the share of a daughter was reduced to 1/3. What I want now is to return to the old times *i.e.* before

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